The Municipal Gazette.

Vol. III. THURSDAY, FEBRUARY 3. 1910. No. 111

MUNICIPAL NOTIFICATION.

No. 2000.

CHINESE NEW YEAR HOLIDAYS.

NOTICE is hereby given that the Municipal Offices will be closed to public business from Wednesday, February 9, to Saturday, February 12, inclusive.

By order,

W. E. LEVESON,
Secretary.

Council Room,
Shanghai, February 3, 1910.

AT the meeting of the Council held on Wednesday, January 26, 1910, at 4.30 p.m., there are present:

Messrs. D. Landale (*Chairman*)
H. De Gray
F. C. Heffer
W. D. Little
H. A. J. Macray
O. Meuser
W. A. C. Platt
J. Prentice
T. E. Trueman
The Secretary and Assistant Secretary.

The summons calling the meeting is taken as read.

The minutes of the last meeting are read, confirmed, signed by the Chairman and passed for publication.

Volunteers.

Annual Inspection.—A dispatch from Hongkong informs the Council that General Broadwood hopes to be able to conduct the Annual Inspection of the Corps in person, adding that the proposed date, April 23, will be suitable to him.

Light Horse.—A report from the Commandant states that Captain Dyer has, owing to personal reasons, forwarded his resignation. At Colonel Barnes' suggestion it is decided to permit this officer to continue his service to the Corps in the capacity of Acting Corps Staff Officer.

Consular Body.

A letter from Mr. von Zeppelin Obermuller, Consul-General for the Netherlands, informs the Council that he has taken over charge of the Consulate-General from Mr. A. van de Sande Bakhuyzen, with effect from January 22.

Native Press.

Case of the "Min Hsü Pao."—The following correspondence is ordered for publication. The enclosures in the first of these letters appeared in the "North-China Daily News" of January 25:—

Shanghai, January 18, 1910.

SIR,—The permanent suspension of the "Min Hsü Pao" by an order of the Mixed Court made without the semblance of a trial is within the knowledge of the Council. I beg to enclose copies of correspondence in the matter which records the material facts. I may at once state that it is not my intention to accede to the suggestion of the Consular Body that an application for a rehearing might be made, inasmuch as it is a case in which there has been no hearing. I respectfully request the consideration of the Council on a matter which to me appears to be of serious import to the Settlement. A business has been closed summarily with a complete disregard of the elementary principles of justice. There has been a grave interference with the liberty of Chinese residents which may well prove to be a dangerous precedent.

May I venture to remind the Council that the Chinese residents contribute by far the larger proportion of the revenue of the Settlement, and are fully entitled to ample protection from illegal and arbitrary action. I feel therefore justified in appealing for the support of the Council in this very serious matter.

I am, Sir,
Your obedient servant,
T. MORGAN PHILLIPS.

The CHAIRMAN,
Municipal Council.

Copies of letters enclosed:

Letter to Japanese Consulate.
Reply from Japanese Vice-Consul.
Letter to Mixed Court Magistrate.
Reply from Mixed Court Magistrate.
Letter to Senior Consul.
Reply from H.M. Consul-General.

Council Room,
Shanghai, January 26, 1910.

SIR,—With reference to your letter of January 18, on the subject of the suppression of the "Min Hsü Pao" under an order of the Mixed Court, I am directed to hand you, herein enclosed, a copy of a letter which the Council has addressed to the Consular Body in the matter.

I am, Sir,
Your obedient servant,
W. E. LEVESON,
Secretary.

T. MORGAN PHILLIPS, Esq.

Council Room,
Shanghai, January 24, 1910.

SIR,—A letter had been addressed to the Council by Mr. T. Morgan Phillips on the subject of the recent suppression of the native newspaper "Min Hsü Pao" under an order of the Mixed Court.

From the facts which are before the Council it appears that this action was taken unexpectedly during an adjournment of the hearing, that there was no prosecutor, that no evidence was adduced, and otherwise that the procedure was destitute of any semblance of those proper formalities which are associated with modern civilized legal procedure.

It is not the Council's desire to be concerned in the defence of the paper but, from a cursory inspection of the articles of which complaint is made, there appears to have been precedent for intervention; and had a warning, or fine, or other punishment been administered by regular process of Court to the editor or responsible manager, no cause for protest would have arisen.

Total suppression for an unproved offence is in the Council's opinion unjustifiable as it is unprecedented, and, for this reason I have the honour to express the hope that the Consular Body may see fit to bring such pressure to bear in the matter as will result in the charge against the "Min Hsü Pao" being properly heard and adjudicated upon, and that this infringement of the liberties of native residents in the Settlement may not be permitted to go unredressed.

I have the honour to be
Sir,
Your obedient servant,
DAVID LANDALE,
Chairman.

D. SIFFERT, Esq.,
Consul-General for Belgium,
and Senior Consul.

Road Extensions and Widenings.

North Szechuen Road.—The completion is noted of the surrender by the native owner, through Messrs. Moorhead and Halse, of the strip of unregistered land east of Cadastral Lot 735, measuring Mow 0.104 and required for inclusion in the road. The Council authorizes making up and paving the footpath along the frontage of the holding in question.

Dalny Road.—The compensation payable in respect to the acquisition of the scheduled area of Cadastral Lot 1900 for the extension of this road will be referred to the Land Commission for

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settlement in terms of the following correspondence:—

Shanghai, August 26, 1908.

DEAR SIRS,—Herewith I beg to hand you a plan showing the area required from B.C. Lot 3899, Cadastral Lot 1900, for the purpose of the Dalny Road extension.

I shall be obliged if you will inform me whether, in the event of the extension being carried out, you will be prepared to make a free surrender of the necessary land.

I may say that I consider the construction of the road will enhance the value of this property.

Yours faithfully,
C. MAYNE,
Engineer & Surveyor.

Messrs. ATKINSON & DALLAS.

Shanghai, December 17, 1909.

DEAR SIR,—With reference to your letter of August 26, 1908, we are instructed to inform you that the beneficiary owner is not prepared to make a free surrender of the portion ex Lot 1900 for the Dalny Road extension.

We are, Yours faithfully,
per pro. ATKINSON & DALLAS,
R. M. SAKER.

CHAS. H. GODFREY, Esq.,
Municipal Engineer

Council Room,
Shanghai, January 19, 1910.

GENTLEMEN,—I am directed to refer to your letter of December 17 on the subject of the extension of the Dalny Road opposite Cadastral Lot 1900.

In reply thereto I am to state that the Council is strongly of opinion that the circumstances of the case warrant a free surrender of the required strip, for the reason that the land can only be developed to the best advantage by use of the Dalny Road frontage.

In the event of your being unwilling to accede to this proposal, it appears to the Council preferable that the matter be referred to the Land Commission for settlement.

I am, Gentlemen,
Your obedient servant,
W. E. LEVESON,
Secretary.

Messrs. ATKINSON & DALLAS.

Shanghai, January 25, 1910.

DEAR SIR,—We beg to acknowledge receipt of your letter of January 19 with reference to the portion required from B.C. Lot 3899 for the Dalny Road extension and to ask you to kindly have the matter settled by the Land Commission.

We would point out to you that this is the second surrender from this lot.

We are, Yours faithfully,
per pro. ATKINSON & DALLAS,
R. M. SAKER.

W. E. LEVESON, Esq.,
Secretary, Municipal Council.

Kuling and Changsha Roads.—The compensation payable in respect to the scheduled portion of Cadastral Lot 77, required for the extension of these roads, will similarly be referred to the Land Commission in terms of the following correspondence:—

Shanghai, November 15, 1909.

DEAR SIR,—With reference to your letter of October 19 last, we are instructed by the beneficiary owner to say that he is prepared to surrender the two strips ex Cadastral Lot 77, for widening the Kuling and Changsha Roads, at the assessed value of Shanghai Tls. 9,000 per mow plus 10 per cent for compulsory surrender, making a total of Tls. 7,128 for the portions to be surrendered.

We are, Yours faithfully,
per pro ATKINSON & DALLAS,
R. M. SAKER.

CHAS. H. GODFREY, Esq.,
Acting Municipal Engineer.

Council Room,
Shanghai, December 6, 1909.

GENTLEMEN,—I am directed to acknowledge the receipt of your letter of November 15, addressed to the Municipal Engineer, with reference to the extension of the Kuling and Changsha Roads ex Cadastral Lot 77.

In reply thereto I am in the first place to draw your attention to the correspondence, published in the Municipal Gazette of August 5, between the Council and the Yokohama Specie Bank, Ld., the owners of Cadastral Lot 78, in the earlier part of this year, and a copy of which I enclose herewith. Therein is set out the Council's views in respect to this section of the Kuling Road. The case was finally referred to the Land Commission for settlement, and the Commissioners' Award is contained in the Gazette of December 2, a copy of which I also enclose.

With this case cited for guidance the Council is prepared to pay for the strip required from Lot 77 upon the same basis, i.e., at the assessed value, plus ten per cent, and less one-half for betterment, a total sum of Tls. 3,564 for the Mow 0.72 involved.

In conclusion I am to express the hope that this counter-offer will prove acceptable to yourselves and that the road construction work may proceed forthwith.

I am, Gentlemen,
Your obedient servant,
W. E. LEVESON,
Secretary.

Messrs. ATKINSON & DALLAS.

Council Room,
Shanghai, December 24, 1909.

GENTLEMEN,—May I ask for your particular attention to the Council's letter of December 6, upon the subject of the extension of the Kuling and Changsha Roads through Cadastral Lot 77. In accordance with a pledge given before the Land Commission at the hearing of Case No. LXX, the construction of the road must proceed as soon as possible, and I am therefore to request that you will be so good as to make reply to the Council's counter-offer.

I am, Gentlemen,
Your obedient servant,
W. E. LEVESON,
Secretary.

Messrs. ATKINSON & DALLAS.

Shanghai, January 5, 1910.

DEAR SIR,—We have been instructed by Messrs. Atkinson & Dallas to reply to your letters of December 6 and December 24 on the matter of the Kuling Road Extension ex Cadastral Lot 77.

Our clients have read the Award of the Land Commissioners in the case of Cadastral Lot 78 to which you refer in your letter, but they do not consider that the circumstances of the present case are similar to the circumstances of that case or that the Land Commissioners in any way intended the amount of compensation in the present case to be governed by the amount awarded in that case. In the present case the area of the land required for surrender is 7 fun 2 li out of a total lot measuring 1 mow 8 fun, which means that the lot will be cut down after the surrender is complete by considerably over one-third of its original area. In the case of Lot No. 78 the area required for surrender was 3 fun 2 li and the total area of the lot was 3 mow 4 fun 7 li 6 haou, a reduction of barely one-tenth of the original area. Our clients consequently consider that any betterment which may accrue to the lot will not compensate for the radical reduction in its size, and that the circumstances of the two cases differ so materially that each should be decided on its merits. Under these circumstances our clients claim the full assessed value plus ten per cent for compulsory surrender being as follows:—

7 fun 2 li at Tls. 9,000 per mow	Tls. 6,480
10% for compulsory surrender	648
	Tls. 7,128

Yours faithfully,
DRUMMOND WHITE-COOPER & PHILLIPS.

The SECRETARY,
Municipal Council.

Council Room,
Shanghai, January 22, 1910.

GENTLEMEN,—I am directed to acknowledge the receipt of your letter of January 5, in respect to the portion of Cadastral Lot 77, required for inclusion in the extension of the Changsha and Kuling Roads, and, in reply thereto, to state that under the circumstances the Council would prefer to leave the matter in the hands of the Land Commission for settlement.

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The Council will be obliged if, in communicating this decision to the owner, you will use your good offices with a view to gaining his assent to the construction of the road proceeding forthwith, a course to which no objection was raised by the Yokohama Specie Bank under recent similar circumstances. It will be within the recollection of Mr. Oppe, who was present at the hearing of this case, that it was then stated, on behalf of the Council, that the work on the Kuling Road would be completed within four months, i.e., by March of this year.

I am, Gentlemen,

Your obedient servant,

W. E. LEVESON,

Secretary.

Messrs. DRUMMOND,
WHITE-COOPER & PHILLIPS.

Shanghai, January 25, 1910.

DEAR SIR,—We are in receipt of your letter of January 22 and have referred the same to the owner with a view to obtaining the consent you require. We should, however, be glad to be able to state to him when the Land Commission will sit to hear the case, as an early sitting would clearly obviate any further delay in proceeding with the construction of the road.

Yours faithfully,

DRUMMOND, WHITE-COOPER & PHILLIPS.

The SECRETARY,
Municipal Council.

Sinza and Carter Roads.—Negotiations have been concluded with Messrs. Davies & Thomas, on behalf of the beneficial owner, for the surrender of a strip of unregistered property at the south-east corner of these roads, measuring Mow 0.046, for the sum of Tls. 1,000.

Proposed Pagoda.

The application of Mr. E. J. Muller is submitted, to erect a high pagoda on Cadastral Lot 667, off the Canton Road, together with a report on the project by the Engineer. The Council is divided in opinion as to the advisability of sanctioning this exceptional scheme, and considerable discussion ensues. These documents with reply as decided are ordered for publication:—

Shanghai, January 17, 1910.

DEAR SIR,—On behalf of my clients I beg to lay before you a preliminary plan of a pagoda in reinforced concrete proposed to be erected in Shanghai as per block plan attached.

The methods of calculation pressure on ground, etc., is given on the drawing.

The different floors will be used as public baths, gymnasium, billiard rooms, tea rooms, refreshment rooms, restaurants, library, museum, cinematograph, theatre, etc., and all under first-class management and superior to any similar arrangements in Shanghai.

The top floor will be offered free of rent to the Municipal Council to be used for fire or other signalling purposes.

I hereby beg to ask for permission to erect this pagoda.

Yours faithfully,

E. J. MULLER.

C. H. GODFREY, Esq.,
Engineer and Surveyor.

Shanghai, January 20, 1910.

Report on an application for permission to erect a pagoda 275-ft. high to the eaves, 309-ft. 6-in. to the ridge, and 414-ft. 6-in. to the top of the flag pole.

The data for calculation is given on the plans but no actual calculations are submitted.

There is no material engineering difficulty in connexion with the erection of such a structure, and the estimated loads on foundations are within reasonable limits, although I consider it would be advisable to enclose the site of foundations with interlocking steel sheet piling to a depth of 30 feet to prevent upheavals outside. I also consider that the foundation area should be piled with Foochow poles.

I think the flag pole 105 feet high might be a source of danger.

In the matter of air space it will be seen from the block plan that it is proposed to leave 57 feet on the south, 75 on the north and a little over 100 feet on the other two sides (including streets) Article XLVIII of the Rules with respect to New Foreign Buildings reads as follows:—

"A building (not being a church or chapel) should not be erected of or be subsequently increased to a greater height than 85 feet (exclusive of turrets or other architectural features or decorations) without the consent of the Council."

The Council is therefore in a position to grant or refuse the application.

C. H. GODFREY,

Municipal Engineer.

Council Room,
Shanghai, January 31, 1910.

SIR,—In reply to your application of January 17 for permission to erect a high pagoda on Cadastral Lot 667, I am directed to state that it will materially assist the Council in arriving at a decision in the matter if you will be good enough to ascertain from the owners of the adjoining properties whether they have any objections to the proposal, and upon what grounds those objections, if any, are based.

I am further to ask that you will afford the Council specific information as to the licences which will be desired for places of public entertainment in the building. It is considered probable that your clients' scheme is not at present complete, at the same time an unsatisfactory position would arise were permission given to erect a building and were the objects for which it is erected thereafter found to be impracticable, owing to considerations of public safety.

I am to assure you that, while your application is an exceptional one, and requiring full consideration, the Council will afford you as speedy a decision in this matter as is possible.

I may add, in conclusion, that the Council is taking steps to obtain an expression of opinion on the part of the principal native guilds in the Settlement as to the project, having regard to the conditions of trade and social life in the particular district in which it is suggested that the pagoda be erected.

I am, Sir,

Your obedient servant,

W. E. LEVESON,

Secretary.

E. J. MULLER, Esq.

The meeting adjourns at 6.30 p.m

Notification of Infectious Disease.

The following have been reported during the week ending Sunday, Jan. 30, 1910.	Death among Chinese population of 550,000	Cases notified among Non-Chinese population of 15,000,
Small-pox.	1	0
Cholera.	0	0
Typhoid Fever	—	0
Diphtheria.	0	2
Scarlet Fever.	2	2
Tuberculosis	10	1
Plague	0	0
Total Deaths from all Causes	147	1

ARTHUR STANLEY,

Health Officer.

Public Band.

The attendance on Sunday, January 30 numbered 694 and the Hall was emptied in 4 minutes.

The programme for Sunday, February 6, at 4.30 p.m., is as follows:—

Tschaikowsky Programme.

1. Theme with Variations (Suite No. 3.) Final variation only.
2. Suite—"Casse-Noisette." seven movements.

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3. Symphony No. 6—"Pathétique" First two movements.
4. Overture—"1812"

Conductor in charge, Mr. R. BUCK.

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